

(For use in IMPAC training manuals)

**COMPLYING WITH AFFIRMATIVE PROCUREMENT
REQUIREMENTS
*THE FEDERAL GOVERNMENT'S MANDATORY
BUY RECYCLED AND BUY BIOBASED PROGRAMS***

**Prepared by the U.S. Army Center for Health Promotion and Preventive Medicine
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Introduction

All credit card holders are required to comply with affirmative procurement (AP) requirements set forth in Executive Order 13101 (effective on 14 September 1998), the Resource Conservation and Recovery Act of 1976, and the Farm and Rural Security Investment Act of 2002 (Farm Bill). The regulations require any Federal agency purchaser (or person acting on behalf of a Federal agency) procuring designated products to purchase those items composed of recovered or biobased materials. The Executive Order required Environmental Protection Agency (EPA) to designate products that are or can be made with recovered materials, and to recommend practices for buying these products. As a result, EPA published Comprehensive Procurement Guidelines (CPGs) to designate products, and Recovered Materials Advisory Notices (RMANS) to provide recycled-content recommendations and guidance on buying recycled-content products. Similarly, the Farm Bill required the US Department of Agriculture to designate items that can be made with biobased materials (products made with renewable agricultural or forestry materials). Compliance with the CPGS and biobased purchasing regulations is required for credit card purchases.

The Designated Items

As of September 2006, EPA had designated 61 items (CPG items) for which they published purchasing requirements (RMANS). The items are divided into 8 categories and are tabulated in the Annex below. The CPGs are published in the Federal register, and can be viewed on the EPA web site at www.epa.gov/cpg. The USDA has designated six items in March 2006 including mobile equipment hydraulic fluids, urethane roof coatings, water tank coatings, diesel fuel additives, penetrating lubricants, and bedding, linens, and towels. Twenty additional items were proposed in August 2006. The biobased items list can be viewed on the USDA web site at www.ars.usda.gov/bbcc.

The Benefits of AP

The primary benefit of buying products with recovered material is that it completes the recycling loop and increases the market value of recyclable materials. Other benefits include savings of energy, natural resources, and landfill space. The primary benefit of

using biobased products is that it reduces our use of fossil fuels and resulting dependence on foreign oil. Other benefits include boosting the agricultural economy, and using products that are friendlier to the environment than their petroleum-based counterparts. AP also provides incentive for the development of new technologies in manufacturing using recycled and biobased material, reduces pollution, and can be economically advantageous.

Agency-Level Implementation of AP

The DOD is responsible for developing and implementing an AP program. In doing so, DOD must ensure that the purchasing guidelines are followed for the designated items. It is also the responsibility of DOD to develop a system for dissemination of guidance, tracking, and reporting for the AP program. **It is the responsibility of all procuring parties to follow the CPGs, associated RMANs, and overall intent of the Executive Order.** The effectiveness of the program relies heavily on participation at the installation level in following the EPA and USDA guidelines.

Purchaser-Level Implementation of AP

All purchases made by Federal agencies, **including credit card purchases**, must meet the requirements to purchase EPA- and USDA-designated products made with recovered and biobased materials, respectively. Information on AP can be obtained on the internet at www.epa.gov/cpg. Environmentally preferable products, including those with recycled content, are available through the U.S. General Services Administration (GSA). In addition, the Defense Logistics Agency (DLA) publishes a catalogue of environmentally preferable products. Products can also be found in the Federal Logistics Information System (FLIS). The Javits-Wagner-O'Day (JWOD) supply vendors, UNICOR, and many private vendors also stock products that meet AP requirements. The following websites are a few places to search for recycled-content products on the worldwide web: www.gsa.gov, www.dscr.dla.mil, www.emall.dla.mil, www.ciwmb.ca.gov/rcp.

Exceptions

There are a few exceptions to the AP requirements. According to RCRA and the Farm Bill, procuring agencies must follow the requirements unless the product is only available at an unreasonable price, will not meet performance standards, or is not available within a reasonable timeframe. For purchases below the micropurchase threshold of \$2,500 - **including credit card purchases – written justification for not meeting the CPGs is not required. However, credit card buyers must meet AP requirements unless one of the three exceptions applies.**

How AP is Monitored

Tracking and reporting purchases of EPA-designated products is a complicated and difficult undertaking. There is a task force working to develop a data collection system.

Purchases made from DLA are automatically tracked using the Environmental Reporting Logistics System (ERLS). Currently, EPA and DOD monitor compliance through the following mechanisms:

- EPA Facility Questionnaires
- EPA RCRA and Multimedia Inspections
- Reports of Purchases (such as ERLS)
- Environmental Performance Assessment System (EPAS) Findings*
- Inspector General (IG) Inspections

* The EPAS involves comprehensive compliance inspections that are conducted by an outside Agency every few years at Army installations. Compliance with AP is evaluated as part of the pollution prevention portion of the assessment.

Recommended Actions for Credit Card Buyers

- Be familiar with the EPA- and USDA-designated items
- Keep a list of the designated items handy for easy referral when purchasing
- Maximize your purchases of recycled-content and biobased products by:
 - searching for products in catalogs and online sources, and
 - requesting recycled-content and biobased items from your vendors
- Ensure that one of the three allowable exceptions applies if CPGs are not met for any purchase
- Wait for guidance on tracking and reporting
- Document all training received

Available Technical Assistance

Technical assistance including AP Plan development and ½-day or full-day training classes are available from the U.S. Army Center for Health Promotion and Preventive Medicine. Contact information follows:

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ANNEX. EPA'S LIST OF DESIGNATED PRODUCTS (SEP 06)

Paper and Paper Products

Commercial/Industrial sanitary tissue
Miscellaneous papers
Newsprint
Paperboard and packaging
Printing and writing papers

Non-Paper Office Products

Binders (paper, plastic)
Office recycling containers
Office waste receptacles
Plastic desktop accessories
Plastic envelopes
Plastic trash bags
Printer ribbons
Toner cartridges
Plastic clipboards
Plastic clip portfolios
Plastic file/presentation folders
Office furniture

Transportation Products

Channelizers
Delineators
Flexible delineators
Parking stops
Traffic barricades
Traffic cones

Miscellaneous Products

Pallets
Sorbents
Awards and plaques
Industrial drums
Mats
Signage
Strapping and stretch wrap
Bike racks
Blasting grit

Construction Products

Building insulation products
Carpet
Cement and concrete
Latex paint
Floor tiles
Laminated paperboard
Patio blocks
Shower and restroom dividers/partitions
Structural fiberboard
Carpet cushion
Flowable fill
Railroad grade crossings surfaces
Modular threshold ramps
Nonpressure pipe
Roofing materials

Landscaping Products

Garden and soaker hoses
Hydraulic mulch
Lawn and garden edging
Compost
Landscaping timbers and posts

Vehicular Products

Engine coolants
Re-refined lubricating oils
Retread tires
Rebuilt vehicle parts

Park and Recreation Products

Plastic fencing
Playground surfaces
Running tracks
Park and recreational furniture
Playground equipment